

APR 04 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *J. C. Dudley*  
DEPUTY CLERK

ANTHONY ANTOINE FITTS,  
Petitioner,

v.

GENE M. JOHNSON,  
Respondent.

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Civil Action No. 7:11-cv-00012

ORDER

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that the respondent's motion to dismiss is **GRANTED**; petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copies of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 4<sup>th</sup> day of April, 2011.

*James C. Turk*  
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Senior United States District Judge